Remarks/Arguments

Claims 1-9 are pending.

Rejection of claims 1-7 and 9 under 35 USC 102(b) as being anticipated by Strecker et al. (US Pat No 4777595)

Applicants submit that for the reasons discussed below present claim 1, and claims 2-7, which depend therefrom, are not anticipated by Strecker.

Present claim 1 recites:

> 1. (Currently amended) Method for transmitting data in a home communication network comprising a first device and a second device, wherein said first device includes means to produce a data packet and said second device includes means to use said data packet, said method comprising the steps of:
> -opening a connection between said first device and said second device;
> -having said second device allocate a message buffer to said connection, said second device communicating the message buffer size to said first device;
> -having said first device transmit said data packet to said second device, wherein said data packet is split and sent as payload in messages, where the **size of the payloads of each message is smaller or equal to said message buffer size.**" (emphasis added)

Applicants submit that Strecker does not at least disclose or suggest that the payload size is smaller or equal to the buffer size in the receiver.

At the outset, applicants note that according to claim 1, the data packet is transported as payload in one or more messages. Thus, in the claim the **basic unit for transport is the 'message."** As discussed below, applicants respectfully disagree with examiner's application of Strecker to the present claims, at least in part, because the examiner discusses a relationship between a memory buffer size and the payload size of single packet messages, and not the relationship between the packet buffer size and the payload size.

The details of Strecker have been discussed in applicants' previous responses. Strecker mentions two types of buffers: the 'packet buffers' at the level

of the 'ports' (interfaces) which are to process the incoming packets (see col. 8, lines 21-31) and the 'memory buffers,' which represents the memory space where the data block to be transferred via one or more packets is to be stored. In Strecker, the **basic unit for transport is the 'packet.'**

Applicants submit that it is true that Strecker mentions that, for example, the message service, the 'maximum size message that may be exchanged between ports is determined by prior agreement and at a higher level protocol' (col. 12, lines 49-52). However, as previously mentioned, there is no teaching or suggestion in Stecker that this negotiation has anything to do with the packet buffer size. The limitations with regard to the maximum size of a message may very well be situated elsewhere in the devices and linked to other parameters than the packet buffer size. The fact that this agreement is to be achieved by 'higher level protocols' also seems to indicate that the agreement has no influence on a port's packet buffer management.

In the response, the examiner alleges that "the buffer size has everything to do with [the] exchanged message, because 'all transmissions are accomplished between a memory buffer in a transmitting node and a memory buffer in a receiving node. These buffers are in actual memory at each node and are not to be confused with communications bus and the other elements in a node, within the data link of the port ... Prior to transfer, the names and lengths of buffers in other nodes are determined and exchanged through higher level protocols..."

Applicants disagree with the conclusion that "the buffer size has everything to do with [the] exchanged message" based on the cited teachings of Strecker. The cited portion of Strecker simply states that the memory buffer sizes are exchanged between devices. Strecker does not mention at all the specific relationship between the length of a particular message and the size of a memory buffer. What is done with the 'exchanged buffer size' is not discussed by Strecker.

Also, as mentioned previously, applicants note that the examiner discusses a relationship between the memory buffer size and the payload size of a single packet message, and not the relationship between the packet buffer size and the payload size.

The examiner also cites a portion of Strecker that states: "The data transfer mechanism of the present invention provides for the transfer of large blocks of

data not limited in size to a single packet. There are, of course, some upper bounds on the number of packets which can be accommodated based on buffer size..." The examiner concludes from this passage that "... in Strecker the buffer size and the maximum payload size are interdependent."

While applicant agrees with the fact that only a certain number of payloads of a given size can be held within a memory buffer of a given size, applicant respectfully disagrees that this passage teaches that the **memory buffer size is used to determine the payload size of a message** as recited in claim 1.

First, this paragraph explicitly calls for a memory buffer, which can hold **several** payloads. By contrast, present claim 1, recites that "... the size of the payloads of **each** message is smaller or equal to said message buffer size." As mentioned above, it appears that the examiner has incorrectly applied a relationship in Strecker that does not correspond to the relationship recited in the present claims.

Second, while the size of the memory buffer may determine the maximum number of packets the buffer can store, Strecker does not teach or suggest that the size of the memory buffer determines at the transmitting device the size of the **payload of the basic unit of transport**, that is, a single packet payload. The payload may very well have a fixed length and not be changed at all as a function of the buffer size. Strecker simply does not teach the limitation that "... the size of the payloads of **each** message is smaller or equal to said message buffer size."

For the above reasons, applicants submit that Strecker fails to disclose or suggest each and every limitation of claim 1, and thus, claim 1, and claims 2-7, which depend therefrom, are not anticipated by Strecker.

Claim 9 recites the step of: "... having said first device transmit said data packet to said second device, wherein said data packet is split and sent as payload in messages, where the size of the payload of each message is smaller or equal to said message buffer size." Applicants submit that new claim 9 is not anticipate by Strecker for at least the same reasons as those applicable to claim 1.

Rejection of claim 8 under 35 USC 103(a) as being unpatentable over Strecker et al. (US Pat No 4777595) in view of Muller.

Muller is cited as teaching dynamically allocatable buffers. However, even if Muller provides such teaching, Muller fails to cure the defect of Strecker as applied to claim 1. Thus, applicants submit that claim 8, which depends from claim 1, is patentably distinguishable over Strecker and Muller for at least the same reasons as those discussed above.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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